

HPS-58 (March 2005)

NOT PRECEDENTIAL

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U.S. DISTRICT COURT

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

2006 MAY 10 P 2:30

NO. 05-1471

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IN RE: DELROY D. CARTER,  
Petitioner.

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On a Petition for Writ of Mandamus from the  
United States District Court for the District of New Jersey  
(Related to Civ. No. 02-cv-02016)

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Submitted Under Rule 21, Fed. R. App. Pro.  
March 11, 2005

BEFORE: SCIRICA, CHIEF JUDGE, WEIS and GARTH, CIRCUIT JUDGES  
Filed: May 4, 2005

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OPINION

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PER CURIAM.

Delroy D. Carter asks that we issue a writ of mandamus directing the District Court to rule on his motion under 28 U.S.C. § 2255 claiming ineffective assistance of counsel and that the District Court erred in computing his sentence. For the reasons that follow, we will deny the petition.

Carter is a federal prisoner at FCI-Fort Dix serving seventy-eight months for illegally reentering the country after deportation. On April 29, 2002, following a

direct appeal, he filed a motion under 28 U.S.C. § 2255. After nearly three years in the District Court, Carter had not received a ruling on his motion despite multiple requests. On February 14, 2005, Carter filed the current petition for a writ of mandamus asking us to direct the District Court to rule on his pending motion.

By order entered April 22, 2005, the District Court denied Carter's § 2255 motion. Because the District Court has ruled on Carter's motion, we will deny the mandamus petition as moot.